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Forty-ninth session
Item 43 of the preliminary list*
THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Letter dated 10 March 1994 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a letter from the Minister for Foreign Affairs of the Republic of Guatemala, Mrs. Gladys Marithza Ruiz de Vielman, concerning the situation of the territorial and maritime limits between Guatemala and Belize, as well as my country's official policy.

I should be grateful if this letter could be circulated as an official document of the General Assembly, under item 43 of the preliminary list.

(Signed) Julio Armando MARTINI HERRERA
Ambassador
Permanent Representative

* A/49/50.

Letter dated 4 March 1994 from the Minister for Foreign Affairs of Guatemala addressed to the Secretary-General concerning the situation of the territorial and maritime limits between Guatemala and Belize

I have the honour to refer to the letter dated 22 April 1992 addressed to you by the Chargé d'affaires a.i. of the Permanent Mission of Belize to the United Nations (A/47/173-S/23837), to which was attached a copy of relevant extracts of a statement delivered by the Minister for Foreign Affairs of Belize on 3 April 1992 on the occasion of the establishment of the National Advisory Commission on the negotiations between Belize and Guatemala. In that letter, it was requested that the letter and its annex should be circulated as an official document of the General Assembly under agenda item 36. The Government of Guatemala saw no need to make reservations to that statement, since the Belize-Guatemala Joint Declaration, dated 31 July 1992, in which both States recognize that their territorial and maritime boundaries are not defined, made it clear that the Declaration could not be interpreted as detrimental to its sovereign rights.

However, in view of recent events which have given rise to a series of speculations about Guatemala's policy towards the neighbouring country, I have deemed it appropriate to transmit to you this note containing the following declaration regarding Guatemala's official position on the matter, with the request that it should be circulated to the delegations of the Member States of the Organization:

1. As called for in article 149 of the Constitution, Guatemala's relations with other States are governed by international principles, rules and practices; Guatemala maintains relations of friendship, solidarity and cooperation with the countries of the world, particularly with neighbouring States.

2. In its international relations, the Government of Guatemala, in accordance with the principles of the Charter of the United Nations, refrains from the threat or use of force, respects the principles of sovereign equality of States and self-determination of peoples and firmly believes that the settlement of disputes between States should be achieved by peaceful means, in conformity with the principles of justice and international law.

3. The Government of Guatemala has always expressed its willingness to continue direct discussions with the Government of Belize in order to reach a definitive solution to the territorial dispute between those two States, which remains unresolved.

4. In the Joint Declaration, dated 31 July 1992, the Governments of Guatemala and Belize expressed their willingness to continue the negotiations to seek a solution to the ongoing dispute, and mentioned in particular that Guatemala and Belize have not concluded a treaty definitively establishing their territorial and maritime limits, and that such a treaty would be among the desired results of the negotiations.

5. The territorial claim which Guatemala maintains includes a land area currently occupied by Belize and maritime spaces in the Caribbean Sea.

6. Concerning the maritime spaces covered by the Act of 24 January 1992 on the territorial sea, the internal waters and exclusive economic zone of Belize published in Law of the Sea Bulletin No. 21 of August 1992 by the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat's Office of Legal Affairs, Guatemala expresses a formal reservation to any provision that adversely affects its sovereignty and jurisdiction over its territorial sea, continental shelf and exclusive economic zone, not only as defined by the State of Guatemala well before the adoption by Belize of the above-mentioned Act but also as may be defined once the ongoing territorial dispute is settled. It also formulates the following reservations and declarations:

(a) The breadth of Guatemala's territorial sea extends 12 nautical miles measured from the baselines determined by the low-water line along the coast under the terms of the settlement of the territorial dispute;

(b) As a coastal State, Guatemala has not surrendered its sovereign rights over its maritime space even though it exercises authority only over the part that is not affected by the dispute and has done so without incident. Until such time as the territorial dispute is resolved, Guatemala cannot and does not accept the principle of equidistant lines with States with opposite or adjacent coasts that might affect its sovereign right to 12 nautical miles;

(c) The waters on the landward side of the baseline of Guatemala's territorial sea form part of its internal waters;

(d) Guatemala reserves the right to take, in the territorial sea as determined when the dispute is resolved and in that over which it has traditionally exercised authority, appropriate control measures to prevent and punish any infringement of its customs, fiscal, immigration or sanitation laws and regulations;

(e) Guatemala confirms that its exclusive economic zone consists of an area beyond and adjacent to the territorial sea, that extends up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. However, once the territorial dispute with Belize is settled, in the event of conflict of interests with another State or other States, Guatemala could agree to have the dispute resolved in accordance with international law on the basis of equity in light of the relevant circumstances, taking into account how vital its interests in the zone are. It might also be possible to consider areas of joint exploitation or participation within the zone;

(f) Guatemala's continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the outer edge of the continental margin when it extends

beyond that distance, with exclusive rights of sovereignty for purposes of exploiting its natural resources, that do not depend on occupation effective or notional, or on any express proclamation. In that regard, the Government of Guatemala wishes to point out that the letter dated 13 February 1992 sent by the then Minister for Foreign Affairs of Guatemala to the Ministry of Foreign Affairs of Belize (to which reference is made in the note dated 22 April 1992 from the Government of Belize (A/47/173-S/23837)) concerning the exclusion of an area from international tendering for oil exploration and exploitation, should in no way be construed as surrendering Guatemala's sovereign rights over its continental shelf in the Caribbean Sea or as recognizing any right of Belize or accepting delimitation of the continental shelf, particularly since the territorial dispute has yet to be resolved;

(g) Until such time as a definitive settlement is reached that is satisfactory to both Parties, Guatemala does not recognize the charts and/or lists of geographical coordinates prepared by Belize to show all or part of maritime areas, the base of the territorial sea, the outer limits of the exclusive economic zone and the sea lanes.

7. The Government of Guatemala reiterates its willingness to continue negotiations with the State of Belize in order to arrive at a peaceful and equitable settlement to the ongoing dispute.

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18 March 1994
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GENERAL ASSEMBLY
Forty-ninth session
Item 72 of the preliminary list*
MAINTENANCE OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-ninth year

Letter dated 17 March 1994 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of March 1994, I have the honour to transmit herewith the conclusions of the meetings of the group of 12 Somali political factions, held in Cairo from 1 to 7 March 1994.

I request you to have this letter and its annex circulated as a document of the General Assembly, under item 72 of the preliminary list, and of the Security Council.

(Signed) Ali Ahmed ALHOUDERI
Permanent Representative of the
Libyan Arab Jamahiriya to the
United Nations
Chairman of the Arab Group

* A/49/50.

Annex

Conclusions of the meetings of the 12 Somali factions held in Cairo from 1 to 7 March 1994

I. INTRODUCTION

The leaders of the group of 12,

Guided by the Addis Ababa Agreement of 27 March 1993,

Taking account of the importance of the participation of all Somali factions in efforts for national reconstruction if the State is to be restored, and convinced that the exclusion of any of the factions, whether or not they were participants in the Addis Ababa or Cairo meetings, cannot serve the process of national reconciliation, reconstruction and the restoration of law and order in the country,

Aware of the difficulties that have faced the Somali people since the signing of the Addis Ababa Agreement,

Cognizant of the efforts made by the Somali people and the international community to reach a permanent solution to the current Somali crisis,

Convinced that the time has come for reconciliation among us and for us to join hands in assuming our responsibility to history to save our nation and our beloved homeland,

Profoundly motivated to overcome our past differences and past enmity,

Responding forcefully to the wishes of our people, which aspires to peace and a life of dignity,

Responding to the voices raised by the people of Somalia and the international community calling for an end to the bloodshed and destruction,

And choosing the principles of tolerance and political coexistence,

Do hereby welcome the disinterested initiative of the Government of the Arab Republic of Egypt in bringing together the Somali political movements with a view to reaching a durable political solution that will restore State unity and sovereignty to the Somali Republic and, in this connection, propose the following programme of action as a basis for political reconciliation among all the Somali political factions.

II. BASIC PRINCIPLES

The leaders of the group of 12 have agreed that the basic principles governing the implementation of this programme should stem from the following guidelines:

/...

1. That any decision or initiative for the advancement of the national reconciliation process must be based on the Addis Ababa Agreement and on the interim constitution to which reference is made hereunder and which shall be agreed upon by the Transitional National Council.

2. Respect for and the protection and maintenance of the territorial integrity and sovereignty of the Somali Republic.

3. Adherence to the principles of dialogue and mutual understanding and adoption of compromise solutions as a basis for the resolution of the Somali crisis.

4. The repudiation of violence as a means of resolving political disputes in Somalia.

5. Respect for the principles of justice, equality and free and fair elections so as to establish a multi-party democratic system.

6. Respect for basic human rights and for the rights of Somali citizens.

7. Collective rejection of any opposition to the collective decisions to be reached, and adoption of a common political and military position.

8. Priority for the restoration of basic social services and infrastructure.

9. The speedy revival of the national economy in accordance with the principles of the free market economy.

10. Cooperation with the international community.

11. Establishment of good and fraternal relations on a basis of good neighbourliness, cooperation with the neighbouring countries in the region, full respect for sovereignty, and non-interference in the internal affairs of any State.

III. TRANSITIONAL NATIONAL SALVATION COUNCIL

Given that the National Salvation Council is still at the formative stage, taking into consideration the need to establish structures within the State for the purpose of restoring national sovereignty and saving Somalia from the predicament in which it finds itself, and inspired by the patriotic wishes of the people of Somalia, we have reached agreement on the following:

1. Establishment of a Transitional National Salvation Council to consist of 17 members, as follows:

(a) The 15 leaders of the Somali political factions that signed the Addis Ababa Agreement, including His Excellency General Mohamed Farah Aidid, Chairman of the United Somali Congress;

(b) The Chairman of the Somali National Movement, which participated in the National Reconciliation Conference of March 1993 as an observer;

(c) His Excellency Mr. Ali Mahdi Muhammad, whose membership was decided in accordance with the Addis Ababa Agreement.

2. The basic functions of the Transitional National Salvation Council are:

(a) To represent and give expression to the sovereignty of the Somali Republic;

(b) To legislate;

(c) To form and oversee the interim government;

(d) To complete the formation of the Transitional National Council;

(e) To establish public institutions.

3. The members of the Transitional National Salvation Council shall not be members of the interim government, who shall be chosen from among qualified national personnel of distinction.

4. The members of the Transitional National Salvation Council shall become part of the Transitional National Council, as stipulated in the Addis Ababa Agreement, on the election of at least two thirds of the members of the Transitional National Council.

5. Following the election of two thirds of the members of the Transitional National Council, the functions of the Salvation Council shall be transferred to the Transitional National Council, which shall function in accordance with the Transitional National Charter to be agreed upon within the two-year transitional period stipulated in the Addis Ababa Agreement.

6. The Transitional National Council shall be established within three months with effect from the date of implementation of this programme, and in the event that the formation of the Council is not completed within this period the members elected to the Transitional National Council shall join the Salvation Council until such time as the Transitional National Council is established.

7. The Transitional National Salvation Council shall elect every three months from among its members a Chairman and two Vice-Chairmen on a rotation basis until such time as the Transitional National Council is established. The Chairman of the Somali National Movement and the Chairman of the Somali National Alliance, General Mohamed Farah Aidid, shall preside over the Salvation Council as part of the rotation.

8. The Chairman shall be elected every three months by simple majority vote.

9. The members elected to the chairmanship of the Transitional National Salvation Council may not be re-elected for a second term.

IV. FORMATION OF THE GOVERNMENT

1. The government shall be formed in a balanced manner on the basis of equality and fairness.

2. The Chairman of the Transitional National Salvation Council shall consult with the other members of the Council on the appointment of a prime minister to form a government.

3. The government shall present its programme with a view to securing the agreement and confidence of the Transitional National Salvation Council by simple majority vote.

4. The members of the government shall be appointed from among qualified persons on a basis of equality.

V. MEETINGS OF THE PARTIES

1. The leaders of the political movements, including the Somali National Movement and the Somali Democratic Alliance, shall meet in Mogadishu before the end of March 1994 to discuss the implementation of the provisions of these decisions with their fellow leaders and with the other factions and groups.

2. This programme shall be submitted in writing to the Chairmen of the Somali National Movement and the Somali National Alliance in an appeal to them to join the ongoing process in the hope that their response to these efforts will be positive and cooperative.

VI. PREPARATION OF THE NATIONAL CONSTITUTION AND GENERAL ELECTIONS

During the two-year transition period, the Transitional National Council shall undertake a population census, civil status registration and other measures in preparation for the elaboration of a national constitution leading to free and fair elections on the basis of a multi-party democratic system, with the support and assistance of the international community and in the presence of international observers.

VII. APPEAL

1. The leaders of the group of 12 appeal to the international community, and in particular to the United Nations, the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the United States of America, the members of the European Union, fraternal countries and the countries bordering on Somalia, to support the implementation of the provisions of these decisions on the basis of the principles of broad participation and justice.

2. The leaders of the group of 12, imbued with a spirit of fraternity and good faith, appeal to the Chairman of the Somali National Movement and the Chairman of the Somali National Alliance to participate in the implementation of this programme and thereby give expression to the sincerity of their intentions to engage in dialogue at any place and at any time with the goal of settling any matters that might prevent participation in the genuine reconciliation efforts now under way.

SIGNATORIES TO THE DECLARATION:

	Name of leader	Organization	Signature
1.	Mohamed Ramadan Arbow	Somali Africans Muki Organization (SAMO)	(Signed) [Illegible]
2.	Mohamed Farah Abdullahi	Somali Democratic Alliance (SDA)	(Signed) [Illegible]
3.	Abdi Muse Mayo	Somali Democratic Movement (SDM)	(Signed) [Illegible]
4.	Ali Ismael Abdi	Somali National Democratic Union (SNDU)	(Signed) [Illegible]
5.	Omar Hagi Mohamed	Somali National Front (SNF)	(Signed) [Illegible]
6.	Mohamed Ragis Mohamed	Somali National Union (SNU)	(Signed) [Illegible]
7.	Aden Abdillahi Noor	Somali Patriotic Movement (SPM)	(Signed) [Illegible]
8.	Mouhamed Abshir Musse	Somali Salvation Democratic Front (SSDF)	(Signed) [Illegible]
9.	Abdi Warsame Isaaq	Southern Somali National Movement (SSNM)	(Signed) [Illegible]
10.	Mohamed Qanyare Afrah	United Somali Congress (USC)	(Signed) [Illegible]
11.	Abdurahman Dualeh	United Somali Front (USF)	(Signed) [Illegible]
12.	Mohamed Abdi Hashi	United Somali Party (USP)	(Signed) [Illegible]

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S/1994/318
21 March 1994

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GENERAL ASSEMBLY
Forty-ninth session
Item 37 (b) of the preliminary list*
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL COUNTRIES OR REGIONS

SECURITY COUNCIL
Forty-ninth year

Letter dated 14 March 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Organization of the Islamic Conference (OIC) Group in New York, I have the honour to transmit herewith the text of a statement adopted by the Group on 16 February 1994 concerning the situation in Afghanistan.

I should be grateful if this letter and its annex could be circulated as an official document of the General Assembly, under item 37 (b) of the preliminary list, and of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador and Permanent Representative

* A/49/50.

ANNEX

Statement on the situation in Afghanistan, adopted by the Organization of the Islamic Conference Group in New York on 16 February 1994

1. The OIC Group in New York met on 16 February 1994, at the ambassadorial level at United Nations Headquarters, at the request of the delegation of the Islamic State of Afghanistan. The Permanent Representative of Afghanistan briefed the meeting about the recent incidents at Kabul and in some other provinces of Afghanistan.

2. The meeting reaffirmed the earlier resolutions of the OIC and recalled the recent appeal made by the Secretary General of the Organization of the Islamic Conference at Islamabad on 9 February 1994 to the Afghan leaders for a cease-fire and an early peaceful settlement to enable the Afghan people to choose freely their own form of government. In this connection, the meeting expressed appreciation to the Secretary General of OIC for his recent visit to Pakistan, where he held meetings with the Afghan leaders and their representatives in an effort to bring peace and tranquillity to the war-torn city of Kabul and other parts of Afghanistan.

3. The meeting expressed support for the ongoing efforts of the Secretary General of OIC and his Special Representative to bring about an immediate cease-fire, including in Kabul, through increased contacts with all parties to the conflict. The meeting also expressed support for the efforts of the Secretary General to establish contacts with all parties, including those who are not involved in the conflict, for the establishment of a broad-based National Conciliation Government, where all the factions of the Afghan people will be represented.

4. The meeting called for an immediate cease-fire and the start of negotiations to find an early and lasting solution to the fighting that has caused the loss of hundreds of innocent lives, injured thousands and destroyed property. The meeting recalled the principle of non-interference and reaffirmed Afghanistan's sovereignty, territorial integrity and political independence.

5. The meeting recalled General Assembly resolution 48/208 of 21 December 1993, in which the Secretary-General was requested to expedite the dispatch of a United Nations special mission to Afghanistan to assist in bringing about a national rapprochement that would lead to peace and reconstruction in the war-stricken country.

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Forty-ninth session
Items 14 and 64 (j) of the
preliminary list*
REPORT OF THE INTERNATIONAL
ATOMIC ENERGY AGENCY
GENERAL AND COMPLETE
DISARMAMENT: PROHIBITION OF
THE PRODUCTION OF FISSILE
MATERIAL FOR NUCLEAR WEAPONS
OR OTHER NUCLEAR EXPLOSIVE
DEVICES

SECURITY COUNCIL
Forty-ninth year

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the attached communication of 21 March 1994, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

* A/49/50.

Annex

Letter dated 21 March 1994 from the Director-General of the International Atomic Energy Agency addressed to the Secretary-General

I refer to my letters of 16 September (S/26456, annex), 11 October (S/26456/Add.1, annex) and 3 December 1993 (S/26456/Add.2, annex) and 1 March 1994 (S/1994/254, annex). Pursuant to the Security Council's request in its resolution 825 (1993) these letters covered reports to the Council on the Agency's efforts to implement the safeguards agreement between IAEA and the Democratic People's Republic of Korea.

You will see from the appendix attached to my letter of 1 March 1994 that, at the close of its discussion about the Democratic People's Republic of Korea on 23 February, the Agency's Board of Governors shared its Chairman's summing up, which, inter alia:

> "Noted that a large number of Board members had asked the Director General immediately to convene a Board meeting in the absence of satisfactory developments in connection with the inspection."

The results of the latest safeguards inspection in the Democratic People's Republic of Korea were unsatisfactory in some important respects and were first reported at an informal briefing of the Board on 16 March, the day after the inspectors' return to Vienna.

A formal Board meeting took place today, 21 March. A resolution was adopted by 25 votes in favour, 1 against and 5 abstentions. The resolution is attached to the present letter and I should be grateful if you would bring it to the attention of the Security Council and of the General Assembly, under items 14 and 64 (j) of the preliminary list, pursuant to paragraph 6 of the resolution (see appendix I). Also attached, in pursuance of that paragraph, is the text of my most recent report to the Board of Governors (GOV/2687/Add.4) with the minor, editorial amendments necessary to adapt it for submission to the Council (see appendix II).

Should the Security Council consider it useful, I am of course ready to come to New York.

(Signed) Hans BLIX

Appendix I

Implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons

The Board of Governors,

(a) Recalling the Board of Governors' resolutions GOV/2636 of 25 February 1993, GOV/2639 of 19 March 1993, GOV/2692 of 23 September 1993, the General Conference's resolution GC(XXXVII)/RES/624 of 1 October 1993, and in particular, GOV/2645 of 1 April 1993, which found the Democratic People's Republic of Korea to be in non-compliance with its safeguards agreement (INFCIRC/403) and referred the matter to the Security Council of the United Nations,

(b) Recalling also resolution 825 (1993) adopted by the Security Council of the United Nations on 11 May 1993, which, inter alia, requested the Director General to report on this matter to the Security Council,

(c) Noting the Director General's written and oral reports of 21 March 1994 and GOV/2687/Add.4, in which he stated that the Agency inspection team was not allowed to conduct indispensable and agreed inspection activities at the Democratic People's Republic of Korea's radiochemical laboratory, and that the Agency is unable to draw conclusions as to whether there has been either diversion of nuclear material or reprocessing at the radiochemical laboratory since February 1993.

(d) Noting further the Director General's reaffirmation that the secretariat remains available to perform inspection activities in the Democratic People's Republic of Korea in accordance with its procedures and agreements, and

(e) Taking account of the fact that the Democratic People's Republic of Korea is a party to the Non-Proliferation Treaty and is bound by its safeguards commitments;

1. Expresses grave concern that the Democratic People's Republic of Korea has failed to implement essential elements of resolutions of the Board and the General Conference concerning its non-compliance with its safeguards agreement (INFCIRC/403);

2. Finds that the Democratic People's Republic of Korea is in further non-compliance with its safeguards agreement, has aggravated this situation by not allowing the International Atomic Energy Agency inspectors to conduct indispensable inspection activities and that the Agency consequently remains unable to verify that there has been no diversion of nuclear material required to be safeguarded under the terms of the safeguards agreement to nuclear weapons or other nuclear explosive devices;

3. Strongly endorses and commends the patient and impartial efforts of the Director General and the secretariat to implement the safeguards agreement;

4. Regrets the stalemate in the Agency's efforts to resolve the Democratic People's Republic of Korea safeguards issue, as requested by the Security Council of the United Nations, due to the lack of cooperation of the Democratic People's Republic of Korea;

5. Calls upon the Democratic People's Republic of Korea immediately to allow the International Atomic Energy Agency to complete all requested inspection activities and to comply fully with its safeguards agreement;

6. Requests the Director General to transmit this resolution and his report to all members of the Agency and to the Security Council and the General Assembly of the United Nations in accordance with article XII.C. of the statute; and

7. Remains seized of the matter, and requests the Director General to report back to the Board any significant developments at its next meeting when it will consider, if necessary, further measures in accordance with article XII.C. of the statute.

Appendix II

Report by the Director-General of the International Atomic Energy Agency to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/403)

1. In his last report to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (S/1994/254, annex) transmitted on 1 March 1994, the Director General, inter alia, explained that, at the beginning of January, the Democratic People's Republic of Korea authorities indicated to the Agency that they were ready to accept inspection of declared nuclear material and installations in the Democratic People's Republic of Korea required to provide "the continuity of safeguards". The Democratic People's Republic of Korea has sought to draw a distinction between "continuity of safeguards" and the acceptance of full application of its Safeguards Agreement with IAEA pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons. The Democratic People's Republic of Korea has maintained that, having unilaterally suspended the "effectuation" of its withdrawal from the Non-Proliferation Treaty, it is in a unique position with regard to its Safeguards Agreement. The Agency continues to take a different view. This view, endorsed by the Agency's Board of Governors, its General Conference and the Security Council is that, when the Democratic People's Republic of Korea suspended the "effectuation" of its withdrawal from the Non-Proliferation Treaty, its obligations as a party to the Treaty continued. As a consequence, the Democratic People's Republic of Korea's Safeguards Agreement with the Agency remains fully in force.

2. In his report of 1 March 1994 to the Security Council, the Director General said that, although working-level discussions in Vienna had not brought agreement about the formal basis of the next inspection of declared nuclear material and installations in the Democratic People's Republic of Korea, a detailed list of inspection activities that the Agency had requested to be performed at the next inspection in accordance with its technical requirements had been established and accepted. During the course of the discussions, Agency representatives had explained in detail to the representatives of the Democratic People's Republic of Korea why each specific inspection measure was essential at that stage.

3. The report of the Director General noted that the inspection activities on which the Agency and the Democratic People's Republic of Korea were now agreed related only to the Democratic People's Republic of Korea's seven declared nuclear facilities and did not address either the need for access to additional information and locations or other activities required to verify the completeness of the Democratic People's Republic of Korea's initial inventory of nuclear material and facilities. On these issues, the Director General is mandated by the Board of Governors and by the Security Council to consult with

the Democratic People's Republic of Korea. The Agency had indicated and the Democratic People's Republic of Korea had accepted that the aim of the next inspection was the acquisition of sufficient data to enable the Agency to verify that there had been no diversion of nuclear material at the Democratic People's Republic of Korea's declared seven facilities since the earlier inspections. Both sides had also envisaged that the inspection team would take certain measures needed to allow future verification of non-diversion. As stated in the Director General's report, on 26 February, the Democratic People's Republic of Korea authorities issued visas for the inspectors, who left Vienna on Sunday 27 February and arrived in Pyongyang on Tuesday 1 March. The inspection activities took place between 3 and 14 March. The inspection team left Pyongyang on 15 March in accordance with the original schedule.

4. The actual inspection work in the Nyongbyon area, where six of the Democratic People's Republic of Korea's seven declared facilities are located, began on 3 March, the inspectors having spent the previous day transferring to Nyongbyon and having detailed discussions with operators on the scheduling of activities. Inspection activities in keeping with the agreement reached on 15 February proceeded without difficulty at all facilities except the radiochemical laboratory. The activities involved records examination, verification of nuclear material by non-destructive and destructive analysis (NDA and DA), reverification of design information and verification of the operational status of the facilities. An important development to be noted is that the inspectors were able to perform, for the first time, a physical inventory verification of the nuclear material at the fuel-rod fabrication plant. The results obtained from verification activities at these facilities are now being evaluated.

5. At the 5MWe experimental reactor, containment and surveillance devices (cameras, seals) were checked. Tapes which had long since run out in surveillance equipment were changed. New seals were applied. Data from the installed spent fuel-rod counter were collected for evaluation and comparison with records. Non-destructive measurements were performed on the irradiated fuel in the spent fuel storage. In order to maintain the knowledge now obtained, the Agency needs to perform the next inspection in about six weeks' time. During this inspection, the containment and surveillance measures will have to be checked. This is the case also for the radiochemical laboratory, where similar measures were implemented.

6. Difficulties at the radiochemical laboratory, otherwise known as the reprocessing plant, centred on inspection activities agreed upon in Vienna and designed to restore continuity of knowledge through taking samples and smears. They also had regard to safeguards activities involving the use of qualitative non-destructive measurements (gamma-mapping). The Agency needs to take samples and smears and perform gamma-mapping at particular locations within the radiochemical laboratory because such samples, smears and gamma-mapping can tell the inspectors whether operations have taken place in facilities where cameras have ceased to operate and seals have been broken. The Agency must also take account of the possibility that the loss of continuity in containment and surveillance could have allowed operators in the plant to bypass other installed containment measures. A statement by the operator that no reprocessing or other operations have taken place since the earlier inspection must be verified. The

particular locations where the containment and surveillance measures had been interrupted and where accordingly, samples, smears and gamma-mapping are needed are those where irradiated fuel is dissolved, the plutonium glove box area and the waste area. These locations and areas are critically important to the detection of any reprocessing that might have taken place.

7. In view of the obstacles encountered by the Agency inspection team at the radiochemical laboratory, it is necessary to recall the understanding reached between the Agency and the Democratic People's Republic of Korea concerning activities at that facility and the Democratic People's Republic of Korea's acceptance of those activities.

8. The Agency talking points of 25 January 1994 given to the representatives of the Democratic People's Republic of Korea's Permanent Mission contained the following understandings and requirements relevant to the radiochemical laboratory:

> "For the radiochemical laboratory of the Institute of Radiochemistry (KDF), the Agency understands that there is acceptance, that the activities associated with containment and surveillance devices (MIVS, seals) will include the examination of the facility containment so as to ascertain continuity of the effective use of such installed devices. The design information reverification will consist of a statement made by the operator, whether or not there have been any facility modifications or changes in operational status. This statement will be verified physically by the inspectors in-situ. The verification will include, for the process, waste storage and treatment areas i.e. buildings 1, 2, 3, 9, 10 and 14, qualitative NDA measurements (gamma-mapping) at a few selected points.
>
> "The Agency is concerned that the Democratic People's Republic of Korea has not yet accepted any activities associated with the re-establishment of continuity of knowledge in specific locations which are affected by the loss of surveillance (glove box area) and in the specific locations where seals were broken by the operator (buildings 1 and 9).
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> "The Agency requirements for the re-establishment of the continuity of knowledge are a set of activities which include qualitative NDA (gamma-mapping), DA sampling, smear-taking and comparison of the existing pipework and vessels design with earlier photographs and drawings.
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> "Without these activities the Agency will not be able to obtain continuity of knowledge on the operational status of this facility since the February 1993 inspection and could give no assurance of the non-diversion of nuclear material. Under such circumstances the inspection would not achieve its objectives."

9. The written list of inspection activities which the Democratic People's Republic of Korea gave to Agency representatives on 15 February included activities it was ready to accept at the radiochemical laboratory in the light, inter alia, of the Agency's talking points of 25 January.

10. Paragraph 5 of the Democratic People's Republic of Korea paper of 15 February covering design information reverification and paragraph 6 of the paper covering activities associated with the re-establishment of continuity of knowledge in the areas where containment and surveillance measures had failed, read as follows:

> "(5) The inspection activities associated with containment and surveillance devices (MIVS, seals) will include the examination of the facility containment to ascertain continuity of the effective use of such installed devices.
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> The design information reverification will consist of a statement made by the operator on any facility modifications taken place or changes in operational status. This statement is possible to be verified physically by the inspectors in situ. The verification will include buildings 1, 2, 3, 9, 10 and 14. Qualitative NDA measurements (gamma-mapping) at a few selected points are also included.
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> "(6) The activities associated with the re-establishment of continuity of knowledge in the locations which are affected by a loss of surveillance (glove box area) and in the specific locations where seals were broken by the operator (buildings 1 and 9), in particular, qualitative NDA (gamma-mapping), DA sampling, smear-taking are permitted to provide continuity of safeguards."

11. During the inspection which took place in the Democratic People's Republic of Korea from 3 to 14 March, Agency inspectors asked to carry out only those activities to which the Democratic People's Republic of Korea had agreed in Vienna. Moreover, with regard to the activities at the radiochemical laboratory, the inspection team agreed to replace some liquid sampling which presented technical problems for the Democratic People's Republic of Korea with smear-sampling; provided that it fulfilled the agreed purpose of the inspection.

12. In the plutonium glove box area, the Agency inspectors asked the operator for smear samples as agreed in Vienna by the Democratic People's Republic of Korea (see para. 10 above). Although in this case no technical difficulty existed, the operator refused to provide such samples stating that "smear-sampling in the area is related to the so-called inconsistencies which the Agency has alleged have occurred. This is therefore, a subject to be discussed in the negotiations for resolving the alleged inconsistencies". This argument was clearly irrelevant in the face of the 15 February agreement, which made no reference to the question of inconsistencies. Instead of the smear samples covered by the agreement, the operator offered only liquid samples from the area. The Agency cannot consider such samples as an alternative to smears. Smears provide a "finger print" of the cumulative history of plant operation and it is practically impossible to falsify them through the cleaning and decontamination of the area. The same cannot be said of liquid samples in this case.

13. As for gamma-mapping in the filter area (building 3), the Democratic People's Republic of Korea operators would allow such activity to be performed only in the places where it was confirmed by both parties that measurements had

previously been taken. However, paragraph 5 of the Democratic People's Republic of Korea list of accepted activities quoted above offers no ground for such objection but, reflecting the language in the Agency's talking points of 25 January (see para. 8 above) refers to gamma-mapping "at a few selected points". The restrictions imposed on sampling and gamma-mapping amounted to new conditions which, if they had been advanced in discussions in Vienna, would have blocked agreement on the inspection.

14. In discussion and in correspondence to the Democratic People's Republic of Korea even during the course of inspection, the Agency made clear to the Democratic People's Republic of Korea that, if the objectives of the inspection were to be achieved, it was indispensable that the Agency perform all the activities which, in its communication of 15 February to the Agency, the Democratic People's Republic of Korea had accepted. It can only be concluded that on some points central to the Agency's ability to detect any diversion of nuclear material, including plutonium, the Democratic People's Republic of Korea side permitted itself to disregard commitments made in Vienna.

15. Owing to the restrictions imposed on inspection activities, the Agency inspection team was unable to implement the Democratic People's Republic of Korea/International Atomic Energy Agency agreement of 15 February as regards the radiochemical laboratory. As explained in the Agency's talking points of 25 January, the Agency cannot, in the absence of the required activities, obtain continuity of knowledge of the operational status of this facility since the February 1993 inspection. Accordingly, the Agency is unable to draw conclusions as to whether there has been either diversion of nuclear material or reprocessing or other operations at the radiochemical laboratory since February 1993.